

LAW OFFICE OF JAMES S. TERRELL
JAMES S. TERRELL (SBN 170409)
15411 Anacapa Road
Jim@talktoterrell.com
Victorville CA 92392
Telephone: (760) 561.2699
Facsimile: (760)-952.1085

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**FRANCES ENYART, Individually, and
as Successor in Interest to WILLIAM
ENYART, GREGORY ENYART, et al.**

Plaintiffs,

v.

**COUNTY OF SAN BERNARDINO,
AARON CONLEY, DEPUTY C.
UMPHLETT, ROD SKAGGS,
DEPUTY SNOW, DEPUTY SILVA,
and DOES 1-10, inclusive,**

Defendants.

Case No. 5:23-cv-00540-RGK-KK

**DECLARATION OF JAMES S.
TERRELL IN SUPPORT OF
PLAINTIFF RICHARD
DONASTORG'S MOTION FOR
ATTORNEYS' FEES PURSUANT
TO 42 U.S.C. § 1988**

DECLARATION OF JAMES S. TERRELL

IN SUPPORT OF MOTION FOR ATTORNEYS' FEES

DECLARATION OF JAMES S. TERRELL

I, JAMES S. TERRELL, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and the United States District Court for the Central District of California, the United States District for the Southern District of California, and the United States District for the Eastern Division. I make this declaration in support of Plaintiffs' Motion for Attorneys' Fees. I have personal knowledge of the facts contained herein and could testify competently thereto if called.

2. I was one of the attorneys of record for the Plaintiffs. Sharon J. Brunner and I were the original Attorneys on the case and were retained by the Enyart Family within days of the death of their son Billie Enyart. Sharon Brunner and I decided to associate Ms. Dani Pena on the case as additional counsel. We had previously worked with Mr. Pena and the Chris Morris Law Firm in on another civil rights case against West Valley Detention Center and the County of San Bernardino. After consulting with the family Ms. Dani Pena was brought on the sometime in February of 2023. As of the date of May 24, 2024, I spent 200 hours of billable time in connection with tasks reasonably necessary to the favorable resolution of this action.

3. I am filing this Declaration in Support of Plaintiff's Motion for Attorney's Fees and costs pursuant to 42 U.S.C. 1988.

4. Prior to trial Plaintiffs' counsel made good faith attempts to settle and resolve this matter for a fair and reasonable amount.

5. All of work that was completed in this matter was to advance the claim of deliberate indifference and Monell violations causing the death of Decedent Billy Enyart.

6. I have maintained contemporaneous records and tracked my time in tenth of hours increments and maintained a record reflecting the work activity and the time spent on this case. In the course of preparing this motion, I have reviewed my time records and

1 exercised billing judgment to reduce or omitted time that would not ordinarily be charged
2 to (or by a fee-paying) client. I personally performed the work attributed to me in this
3 billing statement and can personally attest to the hours I spent on this case have been
4 reasonably expended in pursuit of this litigation. A copy of my time records (billing) for
5 this matter is attached as **EXHIBIT A**. I am aware that Attorney Sharon J. Brunner and I
6 did not bill for numerous calls with the family, text messages the family and other tasks
7 that were completed on the case. Additionally, while Ms. Brunner and I were present for
8 the trial in this matter during each and every hour that trial was in session we have not
9 billed for that time.

10 7. I attended law school and sworn in the State bar on June 2, 1994. I joined
11 the United States Central District Court of California in that same time in 1994.

12 8. Since 1994, I have managed my own law firm, which mainly consisted of
13 Civil and Criminal Law.

14 9. Since 1994, I have been primarily involved in criminal law. Both state and
15 federal law. The majority of my cases involved constitutional issues including the 4th,
16 5th, 14th amendments and various issues involving abusive government intrusion.

17 10. I have tried approximately 100 jury trials in state court and a criminal
18 federal court involving two bank robberies in front of the Honorable Judge Manuel Real,
19 and settled several civil rights cases back in 1996 in front of United States Magistrate
20 Judge Virginia Phillips.

21 11. I currently have approximately 35 active civil rights case which I manage
22 and work. I have taken over 200 depositions and handle written discovery and write
23 complaints and respond to and prepare motions to dismiss and all dispositive motions.

24 12. I participated in every deposition taken in this case. I took the deposition of
25 every individual defendant, and I defended the depositions of every one of the Plaintiffs
26 with the exception of A.E. I spent hours preparing for the depositions and believe that
27
28

1 the depositions were one of our many strong points of this case that led to a successful
2 verdict.

3 13. After reviewing the video/audio taped and police reports, I reviewed the the
4 material with my police practice expert, summarizing the events as I had observed
5 through the videos and police reports. I also reviewed the same material with Co-counsel
6 Attorney SHARON J. BRUNNER.

7 14. In this case there were massive amounts of video and related audio, I spent
8 hours writing the response to the opposition to the summary judgment. The research was
9 key to overcome Summary Judgment issues.

10 15. I have been the Attorney of record on numerous cases with that have settled
11 for seven-figure awards, including the following:

- 12 • \$2.3 million settlement in related jail abuse cases, which involved 33
13 inmates at the West Valley Jail, the cases included: *Alcala et al v. County*
14 *of San Bernardino et al; Alejandro Camacho v. John McMahon; Michael*
15 *Bishop et al v John McMahon et al; John Hanson et al v. John McMahon et*
16 *al; David Smith v. County of San Bernardino et al*; all related to violation of
17 civil rights, prisoner abuse and excessive case. (March 2017);
- 18 • \$650,000 settlement in *Pusok v. County of San Bernardino* (Deputy
19 excessive force), (May 2014);
- 20 • \$90,000 settlement *Kyrstle Dubose v. Domino's Pizza Franchise, et al*
21 (racial discrimination) (2017)
- 22 • \$33.5 million jury verdict in *Archibald v. County of San Bernardino* (police
23 shooting with Dale Galipo), (May 2017). This case later settled for 10
24 million and \$500,000 in Attorneys' Fees;
- 25 • \$1.9 million settlement in *Lozano v. County of San Bernardino* (denial of
26 medical care – jail death case) (January 2018);

- 1 • \$50,000 *Mary Siva v. County of San Bernardino, et el (unlawful detention)*
2 *(2018)*;
- 3 • \$98,000 *Debra Blakemore et al v. John McMahon, et al County(unlawful*
4 *detention)(2017)*
- 5 • \$350,000 settlement in *Geraldo Vasquez v. County of San Bernardino*
6 *County (excessive force/), (June 2018)*;
- 7 • \$100,000 settlement in *Crosthwaite v. County of San Bernardino et*
8 *(excessive force) (2018)*;
- 9 • \$390,000 settlement in *Robert Molina v. San Bernardino (jail death case-*
10 *failure to monitor.) (2019)*
- 11 • \$2.1 million dollar settlement *T.M., GAL Jerry Phillips (Juana Phillips) v.*
12 *County of San Bernardino (Excessive force – deadly use of force.) (2019)*;
- 13 • \$500,000 settlement in *Jono Liebreinz v. County of San Bernardino (failure*
14 *to monitor-jail death), (August 2020)*;
- 15 • \$2,495,000 combined settlement on the *Mariana Tafoya, Weslie Yarber and*
16 *minors L.Y., N.Y. and J.Y v. the City of Barstow Police Department.*
17 *(Officer involved shooting. Excessive force.) (2020)*;
- 18 • \$300,000 *Lola Sprowl v. City of Barstow, et al (wrongful death) (2020)*
- 19 • \$600,000 *v. City of Hemet, et al (excessive force, deadly force-shooting)*
20 *(2020)*;
- 21 • \$265,000 settlement in *Ames v. County of San Bernardino (jail death-failure*
22 *to monitor) (2021)*;
- 23 • \$1.2 million settlement in *Perry Belden v. County of San Bernardino*
24 *(Failure to provide medical care- loss of limbs due to sepsis) (2021)*;
- 25 • \$995,000 *Brown v. County of San Bernardino, et al (excessive force.*
26 *Deputy involved shooting) (2021)*;

- 1 • \$80,000 *Sacapano v. County of San Bernardino, et al* (excessive force)
- 2 (2021);
- 3 • \$1.6 million combined settlement for all Plaintiffs, *Allen v. San Bernardino,*
- 4 (*Excessive force-deadly force*);
- 5 • \$350,000 *Juan Bermudez V. San Bernardino* (Excessive- force deadly
- 6 force);
- 7 • \$500,000 *Donastorg v. City of Ontario, (Excessive Force)(2021);*
- 8 • \$1.4 Million, *Alexander Herd v. State of California County, (Excessive*
- 9 *force. Officer involved shooting).*
- 10 • \$750,000 *Joseph McLaughlin v. San Bernardino County, (Excessive force-*
- 11 *deadly force).*
- 12 • \$1,250,000 *Cecilia Vargas v. County of San Bernardino, (wrongful death-*
- 13 *excessive force).*
- 14 • \$100,000 *Blackmore v. County of San Bernardino (Shooting of a family*
- 15 *dog)*
- 16 • \$350,000 *Devon King v. San Bernardino County, (Excessive force)*
- 17 • \$265,000 *Ralphie Lopez v. City of Fontana, (Excessive force)*

18 On September 23, 2021, the Honorable Judge Jesus Bernal ordered that my hourly
19 rate be set at \$600.00 per hour in the *Donastorg v. City of Ontario* 5:18-cv-00992-JGP-
20 SP.

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct.

23 Executed this 21st day of October 2024, in Victorville, California.

24
25 /s/James S. Terrell

26 JAMES S. TERRELL
27
28

EXHIBIT A

James S. Terrell
Timekeeping Record***Enyart et al. v County of San Bernardino*****Case No 5:3-cv-00540-RGK-KK**

Date	Description	Hours
8.4.2022	Meeting with the clients Fran Enyart, Gregory Enyart, and Guardian Ad Litem Amanda Kelley. Obtained facts about case, viewed Nicholas Enyart vehicle and took photographs of damage to vehicle. Obtained retainer agreements. Discussion between after clients left office concerning action plan, next steps and deadline for tort claim.	1.8
8.4.2022	Wrote e-mail to coroner	.2
8.16.2022	Reviewed Government Tort Claims reviewed by Sharon J. Brunner	.4
9.26.2022	Received recorded call from Fran & watch commander re: autopsy	.5
10.5.2022	Received Tort Claim Rejection	.1
10.12.2022	Received Birth + Death Certificate from Fran	.2
10.14.2022	Reviewed email from Fran with recording from watch commander	.1
10.17.2022	Reviewed e-mails from Fran	.05
2.23.2023	Zoom Meeting with clients and Dani Pena, Esq. Introduced Dani Pena, Esq to the clients and the case. Discussion regarding the case with family and all three attorneys.	.9
3.23.2023	Reviewing WVDC records, sent the records to Dani Pena, and telephone call with Dani Pena	2.6
3.27.2023	Review of Dkt 1. Filing of the Complaint	.1
4.3.2023	Review of Application for Appointment of Guardian-ad-litem for AE Dkt.20	.1
4.8.2023	Status Meeting with clients and co-counsel	.8
6.13.2023	Review of stipulation extending time to answer complaint dkt.24	.1
6.13.2023	Review of Judge's Standing Orders Dkt 25	.2
6.28.2023	Review of Dkt 32 Order to Show Cause Re:Dismissal of Lack of Prosecution re: Deputy Silva	.1
7.18.2023	Review of Dkt.37 Order Setting Scheduling Conference in the case	.1
7.25.2023	Review of Dkt.50 Amended Scheduling Order	.1
8.8.2023	Review of Dkt. 52 Notice of motion and motion to dismiss amended complaint	.5
8.21.2023	Review of Plaintiff's Initial Disclosures and had sent out	2.8
8.28.2023	Travel to and from Court for scheduling conference in Judge Klausner's Court in Los Angeles, Roybal Center	4.8
8.28.2023	Court Appearance, Scheduling Conference, met with Defense Counsel, Jacob Ramirez after the hearing.	.6
8.29.2023	Review of Answer to Amended Complaint Dkt. 64	.5
9.18.2023	Review of Dkt. 65, Panel selection mediator Richard Copeland	.1
11.9.2023	Telephone call with Defense's Counsel Jacob Ramirez regarding protective order, initial disclosures, Plaintiffs' excessive force claims, depositions of clients	.3
11.22.2023	Review of Dkt. 67, Protective Order	.1
1.10.2024	Reviewed discovery responses from the Defendants to include recordings, and the homicide investigation	2.9
1.15.2024	Telephone call with co-counsel Dani Pena regarding possible involvement in case I. Guzman and Deputy Garcia	.4
1.16.2024	Reviewed 911 audio and other audios from day of Billy's Arrest	1

James S. Terrell
Timekeeping Record***Enyart et al. v County of San Bernardino*****Case No 5:3-cv-00540-RGK-KK**

Date	Description	Hours
1.16.2024	Prepared Frances Enyart and other preparation for 1/17/2024	4
1.17.2024	Telephone call with co-counsel Dani Pena regarding Enyart deposition and strategy	.5
1.17.2024	Traveled to/from Frances Enyart Deposition, held at County Counsel Office in San Bernardino, CA	1.9
1.17.2024	Defended Frances Enyart deposition	5
1.17.2024	Prepared Amanda Kelley for her 1/18/2024 deposition via telephone	.5
1.18.2024	Traveled to/from Amanda Kelley Deposition, held at County Counsel Office in San Bernardino, CA	1.8
1.18.2024	Defended Amanda Kelley deposition (worked through lunch break)	6.5
2.1.2024	Review of discovery responses/disclosures from the County, reviewed multiple surveillance videos/audio	6.4
2.1.2024	Telephone call with all Plaintiffs' counsel regarding e-mail from county counsel related to the amended complaint	.3
2.2.2024	Prepared to take deposition of Deputy Andres Suarez	5.9
2.9.2024	Attended deposition of Deputy Zavala	1.8
2.9.2024	Took Deputy Andres Suarez' deposition	1.0
2.11.2024	Prepared for depositions of Skaggs and Snow	6.8
2.12.2024	Had a joint call with co-counsel/Dr. Venters	.5
2.13.2024	Took Deposition of Skaggs	1.1
2.13.2024	Took Deposition of April Snow	1
2.14.2014	Defended Nicholas Enyart deposition	2.5
2.19.2024	Prepared for deposition of Umphlett/Connely	7.9
2.20.2024	Took Deposition of Umphlett	1.7
2.20.2024	Took Deposition of Connely	1.9
2.21.2024	Re-reviewed intake video to compare to Connely's testimony re:signature	2.1
2.21.2024	Telephone call with Dani Pena regarding video of intake video of High Desert Detention Center	.8
2.21.2024	Second call with co-counsels regarding Connely's deposition	.3
2.24.2024	Reviewed intake video of High Desert Detention Center with Deputy Connely and nurse at intake. Reviewed/listened to death notification multiple times. Telephone call with co-counsel Dani Pena regarding experts	.6
2.29.2024	Receipt of medication/prescription pictures from the Plaintiff.	.3
3.7.2024	Reviewed re-filed MSJ	.3
3.7.2024	Had phone with co-counsels and assignment delineated for division of duties	.5
3.13.2024	Mediation with Rick Copeland	4
3.17.2024	Worked on Plaintiffs' Responses/Opposition to Defendants' Uncontroverted Facts	9.9
3.27.2024	Traveled to/from County Counsel office for in-person Rule 16 meeting	1
3.27.2024	Rule 16 meeting	1.5
3.29.2024	Traveled to client Gregory Enyart's home	.5
3.29.2024	Prepared Gregory Enyart for his deposition	1
3.29.2024	Defended deposition of Gregory Enyart part 1 of 2 and post-meeting with client	2

James S. Terrell
Timekeeping Record

Enyart et al. v County of San Bernardino

Case No 5:3-cv-00540-RGK-KK

Date	Description	Hours
4.22.2024	Reviewing MSJ ruling Dkt. 118	.9
4.22.2024	Traveled to Enyart residence to meet with client Greg Enyart	.5
4.22.2024	Met with Greg to prepare him for 4.23.2024 deposition	1.5
4.22.2024	Traveled to Enyart residence for Greg Enyart Deposition	.5
4.23.2024	Defended Greg Enyart deposition	1.3
	TOTAL BILLED HOURS:	110.95
	Reasonable Lodestar Rate:	\$600